

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUSTAVO TORRES,
Petitioner,
v.
K. HOLLAND, et al.,
Respondents.

1:15-cv-00323-MJS (HC)

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF
CALIFORNIA

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

Venue for a habeas action is proper in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may

1 transfer the application to the other district court for hearing and determination. Id.

2 It is preferable for petitions challenging a conviction or sentence to be heard in the
3 district of conviction while petitions challenging the manner in which the sentence is
4 being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244,
5 249 (9th Cir. 1989). In this case, it appears that Petitioner is challenging a conviction
6 from San Diego County, which is in the Southern District of California. See 28 U.S.C. §
7 84. Therefore, the petition should have been filed in the United States District Court for
8 the Southern District of California. In the interest of justice, the petition will be transferred
9 to the United States District Court for the Southern District of California. 28 U.S.C. §§
10 1404(a) and 2241(d).

11 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
12 United States District Court for the Southern District of California.

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14 IT IS SO ORDERED.

15 Dated: March 26, 2015

16 /s/ Michael J. Seng
17 UNITED STATES MAGISTRATE JUDGE
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